

Navy Region III REC Update June, 2001 COMNAVREG MIDLANT Norfolk



The REC Update presents monthly highlights of environmental news and activities relevant to DOD environmental management in Region III. New legislation, emerging state regulations, program developments, outcomes of litigation, and announcements of conferences and training events will be covered. To submit information for inclusion in the REC Update, contact Lisa Billow, 757-444-3009, ext. 371, e-mail billowl@pwcnorva.navy.mil. The REC Update is posted on DENIX. It is in News and Publications, listed under the NAVY heading of Proprietary Publications on the DOD page. The URL is <http://www.denix.osd.mil/denix/DOD/News/Navy/REC/rec-update.html>. You will need a DENIX account to access this page. To obtain a DENIX account, go to the DENIX Home Page at <http://www.denix.osd.mil>.

To subscribe to the newsletter, through Microsoft ListBot service go to Region III REC Update subscription page at <http://recupdate.listbot.com/cgi-bin/subscriber>.

What is the DOD Regional Environmental Coordinator?

DODINST 4715.2 defines the role of the DOD Regional Environmental Coordinator (REC) and defines its responsibilities. The RECs are to:

- monitor and coordinate consistent interpretation and application of DOD environmental policies within its region.
- monitor Federal, state, and local environmental issues, legislative, regulatory, and enforcement issues
- coordinate with the component RECs to articulate DOD positions on proposed regional, state and local issues.

Some examples of situations possibly needing REC involvement: first time permits, negotiating new permit requirements, new environmental legislation/regulations, developing state/regional emission budgets, etc. Our readers can assist the REC in its mission, by contacting us at 757-444-3009 ext. 369 when issues arise at your facility that may potentially impact more than just your facility.

FEDERAL LEGISLATIVE AND REGULATORY NEWS

EPA Establishes Process to Evaluate Arsenic in Drinking Water Standard

EPA proposed to delay the effective date of the arsenic drinking water standard by an additional nine months to February 22, 2002. The arsenic standard was promulgated on January 22, 2001 (66 FR 6976), and previously delayed by sixty days to May 22, 2001.

The EPA is asking the National Academy of Sciences (NAS) to perform an expedited review of a range of three to 20 parts per billion for the establishment of a new drinking water standard. The NAS is being asked to look at new studies regarding health effects that were received after the previous comment period closed and to review EPA's risk analysis of arsenic.

As its next step in this process of reviewing the January 22, 2001 arsenic rule, EPA will prepare a proposal requesting comment on a range of arsenic MCL options from 3 ppb to 20 ppb.

Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check The EPA released the final rule revising the Motor Vehicle Inspection/Maintenance (I/M) requirements to: extend the deadline for beginning onboard diagnostic (OBD) inspections from January 1, 2001 to January 1, 2002; allow areas, showing good cause, up to an additional 12 months' delay; allow for a one-time-only, one-cycle phase-in period for the OBD-I/M check; revise and simplify the failure criteria for the OBD-I/M check; address SIP credit modeling for the OBD-I/M check; and, allow for limited exemptions from some OBD check failure and rejection criteria for certain model year vehicles. The action also provides additional flexibility to state I/M programs by allowing such programs to suspend traditional I/M tests on model year 1996 and newer, OBD-equipped vehicles provided such vehicles are subject to a check of the OBD system. Lastly, this action provides EPA's guidance regarding certain discretionary elements associated with the successful implementation of the OBD check in an I/M environment.

DATES: This rule was effective May 7, 2001.

Reclassification of PCB and PCB-Contaminated Electrical Equipment EPA is amending the requirements for reclassifying transformers, electromagnets, switches, and voltage regulators that contain polychlorinated biphenyls from PCB status (500 parts per million (ppm)) to PCB-Contaminated (50 but <500 ppm) or non-PCB (<50 ppm) status; or from PCB-Contaminated to non-PCB status. This rule brings the reclassification requirements into conformance with data and Agency experience gained since EPA last revised this regulation in 1982. The rule reduces the regulatory and economic burden of reclassification, and reduces the risk from PCBs to health and the environment by encouraging the phase-out and removal of PCBs from electrical equipment. This rule was effective

May 2, 2001. For more information contact: Barbara Cunningham, Acting Director, Environmental Assistance Division, EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 554-1404; e-mail: TSCA-Hotline@epa.gov; or see: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr02ap01-16

EPCRA 313 Reporting for Thresholds for Lead and Lead Compounds The Bush Administration has announced that it will proceed with the Lead TRI reporting Rule. The new rule requires more companies to report on the lead they use and release into the air, water or land. Previously the rule required facilities report lead and lead compound emissions if they manufactured or processed more than 25,000 pounds annually or used more than 10,000 pounds annually. Under the new rule, the reporting threshold will be lowered to 100 pounds annually for each facility. For more information contact: 1-800-424-9346 or 703-412-9877 or see: <http://yosemite.epa.gov/opa/admpress.nsf/b1ab9f485b098972852562e7004dc686/2d0945b0796351d085256a31c> OpenDocument

Revised USDA/APHIS Guidelines for the Military from APHIS Plant Health Programs Plant Protection and Quarantine Entry into the United States of personnel, cargo, personal property, equipment and mail is overseen by the U. S. Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS). Any items contaminated with soil, manure, and/or debris (organic matter) will be placed on USDA Hold and must be cleaned prior to release. Prohibited items will be seized and destroyed. USDA may issue civil penalties for noncompliance with agricultural laws.

This applies to military equipment, military aircraft, and military personnel privately owned vehicles. Special military operations and preclearance requests can be made to: David Reeves, e-mail - David.Reeves@usda.gov; and Stanley Cornelius, e-mail - Stanley.Cornelius@usda.gov. U.S. port clearance questions and clarifications can be directed to: Candace Funk, e-mail - Candace.Funk@usda.gov; PPQ-APHIS-USDA, 4700 River Road Unit 60, Riverdale, MD 20737-1236; Telephone No.: 301-734-8295.

Virginia

While the Virginia General Assembly failed to pass a budget, they did pass some environmental legislation. Governor Gilmore approved advancing the date on which the comprehensive nontidal wetlands regulatory program becomes effective to August 1, 2001. HB1758 requires the State Water Control Board to regulate sewage and other waste discharge from boats into Virginia waterways. HB 1875 allows prescribed burns to control exotic and invasive plants from February 15 to March 1. SB 1003 requires the Department of Environmental Quality to establish a program to manage used motor oil, oil filters and antifreeze. SB 1386 requires the Air Pollution Control Board to create air emissions banking and trading program.

DEQ finalized Rev. H00 to regulations for the Control and Abatement of Air Pollution to incorporate federal regs into

the state regs, add four national emission standards for hazardous air pollutants for source categories.

Virginia DEQ finalized a regulation for dispute resolution for use in regulatory development and permit issuance.

Amendment 2 of the Solid Waste Management regulation was finalized and will be effective 5/23/01.

The water quality standard for dissolved oxygen was amended.

For more information on regulatory development see: <http://www.townhall.state.va.us/>

Update on REC Participation on Virginia's Ad Hoc Committees

The REC routinely submits comments on regulatory proposals and participates on various ad hoc committees amending or developing regulations governing major media: solid and hazardous wastes, air, and water.

The REC was an active member of the Technical Advisory Committee to develop amendments to Virginia's Hazardous Waste Management regulations. These amendments incorporate federal regulatory text into the Commonwealth's regulations, maintain consistency between the Commonwealth and federal regulations, and maintain or improve the department's authorization for the federal RCRA program. The incorporation of the Universal Waste Regulation benefits DOD by increasing consistency throughout the Region.

Virginia proposed revisions to its solid waste regulations in response to legislation passed in 1999 regarding solid waste landfill post-closure monitoring and maintenance, and enforcement. The Navy REC coordinated a review with other service RECs and submitted comments on proposed revisions. A benefit to DOD is the state's adoption of the EPA's megarule on PCB management. This reduced the number of items classified as PCB contaminated waste and reduced the reporting requirements, thereby lessening the disposal burden and costs associated with PCB disposal.

The REC participated on several ad hoc committees amending or developing Virginia Air Quality regulations affecting major stationary sources. One ad hoc committee drafted regulations to address a nitrogen oxides (NOx) emission reduction credit trading program. Potential benefits for DOD include the provision that small source facilities will not be required to participate but can opt into the emissions reduction credit trading program.

Virginia is developing a regulation defining the public participation process for the various phases of water quality management planning. This would include 303 (e) WQMPs, 303 (d) lists of impaired waters, Total Maximum Daily Loads (TMDLs), and other non-TMDL waste load allocation studies. The opportunities for public comment, especially during the TMDL development process, are of particular interest to the regulated community. Virginia recognizes the concern and considers public involvement critical. However, Virginia like many other States, is bound by unrealistic TMDL development schedules in settlement agreements tied to regulatory consent orders.

Under what circumstances, and even if, formal public hearings should be allowed in the development process is of great concern to State regulators because allowing the opportunity could make it impossible to meet the legally required schedules.

The REC along with other Ad Hoc Advisory Committee members urged Virginia to allow the hearings during the TMDL development phase. A member of the Virginia State Water Control Board must attend a formal hearing and discuss it during the SWCB meeting where the members vote to approve proposed regulations for publication in the Virginia Register. The presence of the Board member at the hearing and their input at the SWCB meeting results in a more thorough consideration of the TMDL by the SWCB. This would be especially important for more controversial TMDLs. Virginia is considering the input from the committee. The proposed public participation regulation will be considered by the SWCB at their June 2001 meeting.

Maryland

HB 481 prohibits the disposal of scrap tires except through a licensed scrap tire hauler or by delivery to an approved facility. HB 1066 authorizes the soil conservation district to inspect sites for compliance with sediment and erosion control plans, and establish a fee system. HB 1317/ SB 830 prohibits the redeposit in an unconfined manner of dredged material except when used for a beneficial use project, and establishes an committee to develop plans for dredge material management.

West Virginia

SB 475/HB 2877 empowers municipalities to establish a stormwater utility and impose fees. SB 574 increases civil penalties of water pollution control act. HB 3240 authorizes the chief of water resources to promulgate a rule implementing a state antidegradation program.

Program Notes

Navy Audit Finds Inaccurately Reported Wastewater Permits

If you are wondering what results from the Navy's data calls on the wastewater program, you will be interested in reading the findings of the Naval Audit Service. The report states that, " The Navy did not accurately report the number of wastewater permits and systems, or the level of compliance with Clean Water Act (CWA) requirements, but the service generally budgeted well for the systems and responded in a timely manner to notices of violations from regulators. In contrast, the Marine Corps in general accurately reported the same information but did not operate its plants as effectively. For details on the audit findings see the May 8 Defense Environment Alert release titled: Navy Inaccurately Reported Wastewater Permits, Audit Finds on DENIX:

https://128.174.5.51/denix/DOD/News/Pubs/DEA/08May01/news_dea_08May01.html

Recommendation to Comply with CWA before Spraying Mosquito Larvicide

DoD has to comply with state CWA regulations when applying EPA-approved pesticides to waters of the U.S. in accordance with FIFRA. If installations plan to apply mosquito larvacides, aquatic herbicides or other pesticides to waters of the U.S., they should determine the state CWA permit requirements in advance and comply. MD has indicated its intent to enforce their CWA requirements with regard to mosquito larvaciding at an installation.

The Air Force Regional Environmental Offices distributed the following recommendations: Installations should determine if the waterway they propose to impact is a "waters of the United States" under the CWA before applying any larvicide for mosquito control to said waterway. (Consult with the appropriate Judge Advocate to determine if the Supreme Court's interpretation of the term "waters of the United States" set forth in the SWANCC case alters an installation's previous determination of the "waters of the United States" test as applied to bodies of water on a facility.)

If the installation determines that the larvicide will impact a "waters of the United States" the installation should contact their CWA permitting authority to determine CWA permit requirements.

If the installation determines that the larvicide will not impact a "waters of the United States" the installation should ensure that the FIFRA guidelines for that chemical are followed, however, a permit under the CWA is not necessary.

Before applying larvicides to any site that has a discharge to a POTW (Publicly Owned Treatment Works), installations should coordinate with the personnel at the POTW. This prevents any danger to the organisms in the POTW. Any other applicable, local regulators should be contacted as well.

Public health agencies should also be contacted. They may require the application of larvicides for mosquito control to protect public health.

TECHNICAL NOTES

Compliance Assistance Clearinghouse Web Site

EPA, states and other key stakeholders have jointly developed a National Compliance Assistance Clearinghouse to provide regulated industries essential compliance assistance information to meet environmental requirements.

The Agency announced the launching of the clearinghouse at the National Environmental Innovations Symposium in Kansas City, Mo. The Agency had been asked by states and other compliance assistance providers to create a central national network to help them find information quickly and allow them to communicate with each other more effectively.

The clearinghouse web site, www.epa.gov/clearinghouse, provides a single repository of compliance assistance

materials. It has unique features that solicit participation from the user community to quickly locate compliance assistance information that is housed on multiple web sites. It allows users to add links from their own web sites, select the information they need from the site and apply it to their own web sites, and tell EPA about their compliance needs.

Initially, the clearinghouse will focus on providing links to EPA and state web sites. EPA will continue to expand its content by adding information from industry sources, private organizations and other assistance providers after the opening.

Copies of the clearinghouse brochure will be available through the National Service Clearinghouse of Environmental Publications at 1-800-490-9198.

Database Makes It Easier To Buy Green Products And Services EPA's Environmentally Preferable Purchasing (EPP) Program recently launched a web site that provides information for more than 600 products and services. The database is one of several resources that the EPP program has developed to assist government agencies in their purchase of environmentally preferable products and services, in compliance with Executive Order 13101. Organized into 50 categories from appliances to vehicles, the database is a comprehensive resource for conducting pre-solicitation market research, revising performance specifications, developing contract language, or establishing evaluation criteria. The EPP database includes more than 330 environmental standards and guidelines developed by government agencies and independent groups. There are links to hundreds of environmental purchasing resources, potential suppliers, and contracts used by federal, state, and local governments and the private sector for purchasing green products and services. The database contains information developed by leading environmental experts in EPA programs and those of other Federal and foreign agencies. More information on this program is available at www.epa.gov/oppt/epp/database.htm.

Group Advocates National Dialogue on Training Lands Sustainability

A group that supports public advocacy in military environmental decisions is proposing that the Defense Department establish a national dialogue group to address issues affecting the sustainability of military training ranges, including air pollution, endangered species habitat threats, and the encroachment of ranges by sprawling development. The Center for Public Environmental Oversight (CPEO) is informally proposing the idea to the military services, sources say. One focus would be on integrating community planning with installation needs.

For more information see: April 24 Defense Environment Alert on DENIX:
https://128.174.5.51/denix/DOD/News/Pubs/DEA/24Apr01/news_dea_24Apr01.html

CONFERENCES/MEETINGS

Chesapeake Bay 2001: Integrating Environmental and Facility Management to Create Sustainable Facilities. Patuxent Wildlife Refuge Conference Center, Maryland, June 4 -5, 2001. The Baltimore District Corps of Engineers is sponsoring a two-day conference on Integrating Environmental and Facility Management to Create Sustainable Facilities in the Chesapeake Bay. The conference will be held June 4-5 at the Patuxent Wildlife Refuge Conference Center. The requirement of federal facilities to adopt new legislative and voluntary agreements has increased the need for more innovative and sustainable site management practices. Ms. Yvonne Grant at (410) 962-2886 or via email at cenab-pl-e@usace.army.mil. <http://www.prr.r5.fws.gov/vclocation.html>.

The 2001 International Containment & Remediation Technology Conference and Exhibition will be held on 10-13 June 2001 in Orlando, Florida, USA. It is sponsored by U.S. Department of Energy, U.S. Environmental Protection Agency, U.S. Navy, National Aeronautics & Space Administration, DuPont and The IT Group. The conference will include pre-conference workshops, opening and closing plenary sessions with panel discussions, platform and poster presentations and an exhibition. The purpose of the conference is to advance the deployment of innovative technologies, to discuss "success stories" and "lessons learned" about actual containment and site remediation technology deployments and to showcase R&D efforts for developing innovative technologies. The conference will emphasize the remediation and containment of DNAPLs, heavy metals and radionuclides contamination through technical presentations in ten technical focus areas. For registration information, list of technical focus areas, and exhibitor information, please see the conference web site at <http://www.containment.fsu.edu> (phone: 850/644-7211; fax: 850/574-6704; e-mail: containment@mail.fsu.edu)

The U.S. Army Environmental Center is hosting the **Fourth Tri-Service Environmental Technology Symposium** to be held in San Diego, June 18-20, 2001. The central theme, "Environmental Technology: Support the Mission, Sustain the Environment," symbolizes the military's continued emphasis on protecting resources, while maintaining readiness, supporting military operations, installation management, and material development. Army, Navy, Air Force, and Department of Defense personnel, as well as other Federal agencies, Federal contractors, academia, and industry are invited to attend. For more information on registration, or general information, visit either www.ets-2001.com or www.aec.army.mil or contact Ms. Jean Thomas, TMC Design Corporation, (757)-357-4011.

2001 Navy Pollution Prevention Conference, Hilton Crystal City at National Airport, Arlington, Virginia, June 19 -21. The conference is sponsored by the Chief of Naval Operations (CNO) and is being coordinated by the Naval Facilities Engineering Service Center (NFESC). Representatives from your command involved with P2 and compliance issues are invited to attend. The theme of the conference is "Navy P2, Building on Success". This theme addresses the successful efforts of the Navy in pollution prevention while acknowledging that we must continue our environmental quality efforts. The conference provides Navy civilian and military personnel a forum to raise issues, and share success stories and lessons learned on all aspects of pollution prevention. please contact Ms. Kathi Jones, ESC423, at DSN 551-4899 or commercial (805) 982-4899 or e-mail joneskf@nfesc.navy.mil.

CONFERENCE INFO ON DENIX**DENIX has a web page dedicated to conference information:**<http://www.denix.osd.mil/denix/DOD/Calendar/display.cgi?5/1999>**TRAINING****Navy Introduces Interactive Multimedia Instruction (IMI)**

The Navy works to provide its military and civilian employees high quality environmental training that is consistent with Navy policy at efficient cost. This year as part of the effort to reach as many Navy personnel as possible we will be introducing Interactive Multimedia Instruction (IMI). IMI will enable the Navy and the Interservice Environmental Education Review Board (ISEERB) schools to reach a much larger audience, and to provide tailored training modules as well as courses similar to those that currently exist. Find out more by visiting the CECOS web site at <http://www.cecocos.navy.mil>.

The Navy Environmental Training Program, the Interservice Environmental Education Review Board (ISEERB) and the Air Force Institute of Technology (AFIT) are offering **Air Quality Management** Courses and the **Pollution Prevention Operations and Management** Courses in Norfolk and San Diego in September of FY01. Contact Carolyn Neill or Marie Hollingsworth at 757-887-4641 or fax is 757-887-4478.

Tentative dates and classrooms assignments for Norfolk have been made: Air Quality Management Course (AFIT ENV 531); 4-7 Sept NAVOSHENVTRACEN, Building V147, East Side Second Floor, Norfolk Naval Station Pollution Prevention Operations and Management (AFIT ENV 022); 11-13 September NAVOSHENVTRACEN, Building SP 17, Classroom 2, Norfolk Naval Station POC for Air Quality course in San Diego is Dave Fischer at 619-524-6338 POC for Pollution Prevention Course is Ivan Cekov at 805-982-1854.

The following is the tentative 2001 schedule for the Accelerated Bioremediation of Chlorinated Solvents 2-day Training Course:

June 25-26, 2001- Philadelphia, PA

Tentatively scheduled to take place at the Hilton Valley Forge in King of Prussia, PA. October 23-24, 2001- New Orleans, LA

Tentatively scheduled to take place at the Hilton Riverside Hotel in New Orleans, LA. December 4-5, 2001- Tampa, FL

Tentatively scheduled to take place at the Wyndham Harbour Island Hotel Tampa, FL. Contact Victoria Nelson or Cloyce Brackett at 770- 242-7712, fax 770- 242-0421 or email nelson@sseb.org, brackett@sseb.org to register. For information on the course itself, please visit ITRC's website at www.itrcweb.org.

CECOS TRAINING COURSES
Scheduled for Mid-Atlantic Region 2001

CECOS COURSE TITLE	Location	Date
Remedy Selection & Closure	Philadelphia, PA	June 5 - 8
Natural Resources Compliance	NAS Patuxent River, MD	June 12 - 15
Environmental Risk Assessment & Management	Washington, DC	July 10 - 12,

For registration information, course descriptions, and additional schedule dates and locations:
<http://www.cecosp.navy.mil>.

TRAINING INFO ON DENIX

DENIX has a web page dedicated to training information. With this one-stop resource you can find training by topic or by source, by any service of DOD or non-government. Go to www.denix.osd.mil/denix/DOD/Training/training.html.